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Submission on the Crows Nest Sydney Metro Site Rezoning Proposal

This submission is in four parts. Part A focuses on the identified issues contained within the draft St Leonards/Crows Nest Character statement, and seeks consideration of these issues in the Crows Nest Metro Rezoning proposal along with the inclusion of the impacts on nearby residents. Part B highlights two significant errors/underpinning assumptions related to the development of the rezoning proposal that must be addressed. Part C points to the necessity to include land use, as defined in the draft St Leonards & Crows Nest 2036 Plan, in the development of the rezoning proposal. Part D details specific objections to the Crows Nest Sydney Metro Sites Detailed Urban Design Study which has been used to inform the Metro rezoning proposal.

PART A Draft St Leonards/Crows Nest Character Statement

This draft **Local Character Statement** sets the background for all planning associated with the St Leonards & Crows Nest 2036 Draft Plan. Importantly this statement has been derived from feedback from the community and encompasses the following key criteria:

- A coordinated plan for the future
- The embedding of community values in the development of the plan
- The desire for low rise development, a green tree streetscape and the preservation of the existing Village character of the St Leonards Crows Nest area
- A designated St Leonards South residential plan that will be subject to a separate Independent Planning Commission hearing
- Preservation of open space
- Management of traffic and parking associated with development

In effect this draft Character Statement is solely focussed on the aspirations of residents WITHIN the designated boundaries of the St Leonards Crows Nest 2036 Plan area.

It in fact FAILS to specifically consider the impacts on residents in NEARBY areas who will also be directly affected by this Metro planning proposal. Specifically, for nearby residents these impacts relate to

- open space availability,
- traffic flow and the underlying usage assumptions that fail to take into account the existing culture of reliance on the motor vehicle,
- social infrastructure including preschool and school availability, and
- emergency services including hospital (in particular Royal North Shore Hospital) and medical services.

PART B Two significant errors/assumptions related to the development of the rezoning proposal contained in the Draft Local Character Statement

1. Open Space: *“Enough high-quality open space to support growth in the area.”* The community has identified that there is **not nearly enough** high quality open space in the area, with the Crows Nest / St Leonards area having the least open space. The rezoning of the station sites does nothing to alleviate the critical shortage of open space. It could do so however by abandoning the commercial building on site C and instead devoting this area to open space as a buffer between a station entry on Site A and the Hume street park.
2. Density: *“Differing opinions on increased density in the area”*. This statement is totally INCORRECT in regards to the Crows Nest station site. Public opinion about the station site is overwhelmingly against the height and scale of buildings that this rezoning proposal would allow. There were hundreds of submissions made to the Department in response to early engagement of the community on the development of that Crows Nest station. Further, the petition against Crows Nest station high density development was signed by more than **1370** people. Yet Sydney Metro has not amended the height or scale of the proposed buildings, thus indicating to the community that community consultation and engagement on the part of Sydney Metro is no more than a sham.

PART C Land Use as outlined in the draft **St Leonards & Crows Nest 2036 Plan**, must be specifically built into the **Crows Nest Sydney Metro Site** rezoning proposal.
(Arguably one cannot be considered in isolation to the other)

1. There will be an oversupply of residential development in the area even without the Crows Nest Sydney Metro Site Rezoning Proposal. Effectively this will lead to a displacing of much needed floor space for jobs growth.

This is evident in the review by **SGS Economics & Planning**, which summarises the situation in its executive summary as follows: *“Critically there is a crowding out phenomenon in the current market whereby residential development, by virtue of its relatively strong returns, displaces existing and future employment floor space”*. It goes on to say that *“care must be taken to ensure that residential development by virtue of its higher returns does not displace the much-needed floor space for jobs growth”*.

On the basis of the costs of land acquisition, construction and transactional costs associated with redevelopment, commercial office buildings on this site will always be judged by developers as unfeasible.

2. The rezoning plan is NOT addressing job creation
The rezoning plan does NOT address the important target of job creation by allowing the site to be used for targeted economic development initiatives to support the Health and Education vision for 5,000 more jobs instead of relying on high density residential development to lead job creation when there is no evidence that this will work. In fact, the draft plan led by the Greater Sydney Commission’s North District Plan proposes and

emphasises the importance of job creation over the period 2106 to 2036 with a ‘High’ aspirational target of 16,500 new jobs. Details on this target can be found in the section titled **Economic Feasibility Review prepared by SGS Economics and Planning**.

Why is the rezoning plan not addressing this important target of job creation instead of relying on high density residential development to lead job creation when there is no evidence that this will work? In fact, the evidence shows quite the opposite is true. One such initiative would be a research or technology park over the station site devoted to supporting that vision and/or other high technology endeavours. Such a development would not need high rise buildings or rezoning.

3. Sydney Metro is thwarting the North District Plan and the Department of Planning’s vision for an employment hub. In effect the draft rezoning plan allocates a land use mix of less than 5% of the total space to non-residential or non-hotel space.

Further, the recently released Over Station Development proposal for this site allocates ONLY 2,700 sqm of non-residential or non-hotel space out of a total 55,400 sqm proposed as a means to capture more value for the developer. However, if Government desire for job creation is to become a reality then surely it is desirable that the Sydney Metro Site be designated as one part of a government led initiative that could for instance lead to a low-rise technology park to be set aside for designated use.

4. Evidence that economic feasibility will not be achieved unless there is a substantial residential element in all buildings of mixed use. The Development Feasibility section of the SGS Economics and Planning Report that uses conservative development assumptions stresses why commercial space will not occur in the St Leonards and Crows Nest sub-precinct areas in the absence of government action.

In fact, the SGS Economics and Planning tested 7 potential B3 commercial development sites in the St Leonards area to assess their economics for development as office (employment) buildings. The results highlight that ***“without planning intervention and changes to existing planning controls B3 zoned sites are generally unlikely to redevelop in the near future.”***

PART D Specific objections related to the Crows Nest Sydney Metro Sites Detailed Urban Design Study

- 1 Overshadowing: The shadow analysis (Design Testing Section 5.1) is shown for the winter solstice (21 June). It apparently satisfies retention of solar amenity as shown below:

Hume St Park	10:00am – 3:00pm
Ernest Place	10:00am – 3:00pm
Conservation Area	9:00am – 3:00pm
Willoughby Road	11:30am – 2:30pm

This is absolutely contestable, as qualified expert testing conducted for the local residents' action group, OVERdevelopment-we're OVER it! shows **unacceptable and extensive overshadowing** of Willoughby Road and Ernest Place in the afternoons during daylight saving hours and also extensive overshadowing on the western side of the highway over Nicholson Street residences in the early mornings. The results of this testing can be viewed on YouTube [here](https://www.youtube.com/watch?v=p4TwX6R1aOk&feature=youtu.be):

<https://www.youtube.com/watch?v=p4TwX6R1aOk&feature=youtu.be>

The overshadowing diagrams illustrate how the proposed buildings for the Over Station Development in the current version of the zoning proposal are not only visually objectionable but also will impact adversely and unfavourably to the potential enjoyment by the community of the Crows Nest village and its surrounds.

I understand that this information has been previously provided and yet to date it has been totally ignored by Sydney Metro. One can only conclude that Sydney Metro is locked into the rezoning proposal and therefore has no intention of taking on board or considering any other possibilities or options.

- 2 The ill-defined term of Design Excellence. This term is first noted in Sydney Metro's proposal for rezoning of the Metro Site but is one of SJB Urban's recommendations for changes to the LEP in regard to Height of Buildings and Floor Space Ratios. However, it is notable and of significant importance that public amenity is completely absent from the specification of what constitutes Design Excellence in the document. This effectively indicates that this section has been written to support the proposed high-rise towers on the site with absolutely no regard for the community benefit or amenity.

However, it should be noted that the term community benefit or amenity is used elsewhere to ensure that community benefit by way of open space and amenity would be achieved. BUT because this is NOT a defined term there is no formal requirement or specified mechanism to test its application. This is totally unacceptable.

- 3 Potential castration of the consent authority's role through the insertion of a Heads of Consideration in the LEP. This insertion, requiring the rezoning proposal to inform and to be used in the assessment of future development on the Sydney Metro Site, is unprecedented and will require adherence on the part of any Consent Authority regardless of other considerations specified in the LEP.
- 4 Three other aspects of the design by SJB Urban related to Height of Buildings on the Sites and Setbacks on Pacific Highway are of relevance to the draft proposal.
 - The proposed setbacks from street alignment are meagre at best and totally inadequate when considering this presents as an opportunity to create a space and built form of excellence

- The proposed setbacks at podium level are conspicuously absent so on this basis it is highly likely that this would be a token amount to merely satisfy the principle and nothing more.
- The transition theory of where the height at which the podiums stop and the towers commence is ultimately revealed when it depicts that transition is referenced to the top of the podiums and not to the towers above. This is at best misleading and borders on deceitful.

These three aspects should be rejected outright and deleted from the proposal.

CONCLUSION

The plan submitted by Sydney Metro should be reconfigured so as to reflect the findings of the Department's own consultants.

The Metro site must be developed to accord more fully with the **St Leonards and Crows Nest Draft Character Statement**. This means a smaller scale development, less over shadowing, open space and a guarantee of amenity for residents (both those living within the designated boundaries and those living nearby).

Without direct planning intervention or specific State Government project funding the targeted increase in employment will not be achieved in the St Leonards/Crows Nest area. This will only come from the application of stringent planning objectives that focus on land capacity for commercial uses along with a sizeable job creation initiative.

Further, the Crows Nest Metro will only service new residents, existing employees and hotel guests (subject to the hotel project proceeding). No substantial medium-term increase in employment is likely to occur for the reasons and analysis that are contained in this submission, unless substantial value capture is surrendered.

I restate the reasons for my objection:

- Lack of open space inherent in the proposal
- Lack of formal definition and inclusion of *public amenity* intrinsic to this rezoning proposal
- Bulk and scale of the buildings over the station site
- Overshadowing in particular of Hume Street Park, Willoughby Road and Nicholson Street Wollstonecraft as a result of the proposed future buildings for this site
- Lack of job creation initiatives fundamental to the current rezoning proposal
- Provision of above ground parking on the Sites
- The inclusion of the Heads of Consideration in the rezoning proposal or any other planning document.
- Inadequate public infrastructure available.
- Complete disregard for community feedback.

The Sydney Metro authority should be required to propose developments that support rather than detract from the Government's principal planning objectives. However, it is blatantly apparent that this current Metro Rezoning Proposal is in complete conflict with many of the NSW Government's planning objectives.

Accordingly, I lodge a strong objection to the Crows Nest Sydney Metro Site Rezoning Proposal in its current form and I therefore request that the Minister:

- ✓ reject the current draft of the Sydney Metro planning proposal,
- ✓ require the creation of a plan specifically uses the Draft Character Statement and is re-configured in line with the planning objectives set out in the St Leonards Crows Nest Plan 2036, and
- ✓ require the inclusion of significant office space in the over station development.

Finally, I ask for formal acknowledgement of this submission along with specific advice as to what consideration will be given to all the issues it raises.

Yours sincerely



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